

REMARKS

Claims 1-5 of the patent application were presented for examination. In the Office Action of July 13, 2007, claims 1-5 were rejected. The claims, as amended, are listed above. No new matter has been added. Accordingly, claims 1-3 and 4-7 are now pending for examination.

Claim Rejections - 35 USC § 112

Claims 2-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. .

Claim 2 was rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Specifically, the relationship was unclear between the phrase "an image" in line 3 of claim 2 and "an image" I claim 1 line 3. As amended, the phrases in question have been deleted. Thus, the rejection is rendered moot.

Claim 3 recites the limitation "the screen" in line 3, and "the whole screen" in line 5. There was insufficient antecedent basis for these limitations in the claim. As amended, the phrases in question have been deleted. Thus, the rejection is rendered moot.

Claim 3 was further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Specifically, there was an unclear relationship between the phrases "the screen brightness", "the display brightness", and "the brightness." As amended, only the phrase "the display brightness" is present in the claim.

Claim 4 was rejected under 35 USC 112. Because claim 4 has been cancelled, the rejections are rendered moot.

Claim 5 recites the limitation “each RGB element” for which there was insufficient antecedent basis. As amended, the phrase “one or more RGB elements” does not require an antecedent basis. Thus, the rejection is rendered moot.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Specifically, there was an unclear relationship between the phrases “obtaining gradation information”, and “the obtained gradation.” As amended, there is a clear relationship between the phrases “obtaining gradation information” and “the obtained gradation information.” Thus, Applicant respectfully submits that the rejections is traversed.

#### Claim Rejections - 35 USC § 102

Claims 1-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,611,249 B1 issued to Evanicky et al (hereinafter “Evanicky”).

Claim 4 was cancelled, rendering the associated rejection moot. Applicant respectfully traverses the remaining rejections. In summary, while amended claim 1 adjusts brightness on a per-window or per-application basis, Evanicky merely changes luminance based on a standard test sequence.

Independent claim 1, as amended, is representative of independent claim 3, as amended. Claim 1 is directed towards a brightness adjusting system. The system comprises:

a display gradation calculator to calculate a first display brightness in a first application displayed in a first window on a display unit; and

a brightness adjuster to adjust a display brightness of the display unit according to the calculated first display brightness,

wherein in response to a second application being displayed in a second window on the display unit, the display gradation calculator calculating a second display brightness of the second window, and the brightness adjuster adjusting the display brightness of the display unit according to the second display brightness.

Evanicky generally discloses a system for controlling the white balance and providing gamma correction (Abstract). More particularly, Evanicky discloses luminance sensor 800b to send an image with known RGB values (18:52-56). Luminance data from the LCD panel, responsive to the image, is sent back to the host computer to infer a temperature of an LCD screen (18:56-62). As a result, a gamma value can be changed on the screen (19:44-47). Thus, Evanicky discloses a test image to for luminance measurements and gamma correction

However, Evanicky fails to teach or suggest the invention as recited in claim 1, as amended. For example, claim 1 recites “a first display brightness...in a first window” and “a second display brightness...in a second widow.” The per-window (or per-application) adjustments of claim 1 allow for an optimal screen display as the user moves to different windows. Measurements are taken in two different portions of a display unit in claim 1, and thus, can result in two different measurements and two different adjustments. On the other hand, Evanicky merely discloses a single measurement for an entire screen. An image is displayed, measurements are taken, without respect to a particular window or user interaction. Thus, Evanicky fails to disclose the per-window measurements of claim 1. Likewise, Evanicky fails to disclose the per-window adjustments of claim 1.

Furthermore, the second display brightness in claim 1 is calculated “in response to a second application being displayed.” The brightness is adjusted responsive to, for example, user interactions that open and close new windows, and bring active and inactive windows on the display unit. By contrast, Evanicky runs a single test pattern, for example, at power up. Evanicky is silent on continued adjustments responsive to user interactions. Thus, Evanicky fails to disclose updated measurements of claim 1.

Applicants submits that independent claim 1, and all related dependent claims, are patentable over Evanicky for at least these reasons. Additionally, independent claim 3, and all related dependent claims, are patentable over Evanicky for at least the same reasons as claim 1.

CONCLUSION

Applicant's attorney believes this application is in condition for allowance.

Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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